

## REMARKS

This application was filed with 25 Claims. Claims 1-4 and 9-23 have been rejected. Claims 5-8, 24, and 25 have been objected to. No Claims have been canceled. Claims 1, 3 and 5 are currently amended. Claims 26-29 are new claims added by amendment. Therefore, Claims 1-29 are pending in the Application. Reconsideration of the application based on the claims as amended and arguments submitted below is respectfully requested.

### 1. Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-4, 9-15 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Hillstrom.

#### Claims 1-3

The Office Action describes Hillstrom as teaching "a frame for use with a sheet mounting assembly including an upper channel (Figure 3 [of Hillstrom]) having [a] first leg 72 connected to support structure 42 and second leg 106 resting against the support structure." Applicant respectfully disagrees and draws attention to the apparatus and method taught by Hillstrom.

Hillstrom does not teach the limitation of first leg and second leg each connected to a channel having flange defined therein, as does Claim 1 of the present invention. Referring to Figure 3 of Hillstrom, Hillstrom teaches an extruded frame support 42 for supporting the device of Hilstrom. A cantilever flange 72 protrudes from support 42. The end of the flange member 72 has a rear facing hook 76. A rib

member 78 protrudes perpendicularly from the flange member 72 and forms a second rear facing hook. (Hillstrom, column 4 lines 61 – 67) Thus, the flange member 72 is a bar or plate with two rear facing hooks. The support member 106 does not form a second leg and is not attached to a channel. Instead, the support member 106 of Hillstrom is attached to the flange member 104 of a trim cap 83. Hillstrom discloses a “C”-shaped clip member 84 (Hilstrom, Figure 4 and column 5 lines 20-25 and 48-54) which is slidably disposed between the flange member 72 protruding from the support 42 and the flange member 104 of the trim cap 83. Thus, the securing clip member 84 of Hilstrom is not connected to a support leg.

To further distinguish the present invention over Hillstrom, Claim 1 has been amended to recite a limitation of dependent Claim 3. Applicant respectfully submits that independent Claim 1, as currently amended, recites patentably distinct limitations not taught in the cited prior art. Claims 2 and 3 are dependent claims that depend, either directly or indirectly, on Claim 1 and include all of its limitations. As a result, these claims are patentable for the same reasons as Claim 1.

#### Claim 4

The Office Action describes Hillstrom as teaching “a lower frame (Figure 4 [of Hillstrom]) including vertical stop segment 104, horizontal upper frame segment 72 and a lower frame segment (the horizontal portion attached to leg 106). Tension frame member 80 is adjustably connected to the lower frame, as shown in Figure 4 [of Hillstrom].” Applicant respectfully disagrees and again draws attention to the apparatus and method taught by Hillstrom.

Hillstrom does not teach the limitation of a lower frame ... and a tension frame member adjustably connected to the lower frame so that the tension frame member can move relative to the stop, as does Claim 4 of the present invention. Referring to Figures 4 and 4A of Hillstrom, Hillstrom teaches an insertion clip member 82 wrapped with the edge 53 of the flexible sheet member 52. The "C"-shaped clip member 84 mates with the wrapped insertion clip member 82 such that they form an interlocking tensioning mechanism 80. The hook member 90 of the "C"-shaped clip member 84 mates the rear facing hook member 76 of the flange member 72. The flexible sheet member 52 provides tensioning force pulling the "C"-shaped clip member 84 against the rear facing hook member 76. A flange 106 of the trim cap 83 holds the wrapped insertion clip member 82 and the edge 53 of the flexible sheet member 52 within the "C"-shaped clip member 84. (Hillstrom, column 5 lines 19-54; column 6 lines 22-28) Figures 7 and 8 of Hillstrom show assembly of the interlocking tensioning mechanism 80 and use of an external tensioning device (a clamp) to tension the flexible sheet member and mate the "C"-shaped clip member 84 with the rear facing hook member 76 of the flange member 72. Thus, the interlocking tensioning mechanism 80 is not adjustably connected to the flange member 72 or any other structure. Nor, can the interlocking tensioning mechanism 80 move relative to flange 106 of the trim cap 83.

no Applicant respectfully submits that, independent Claim 4 recites patentably distinct limitations not taught in the cited prior art. Claims 5-8 are dependent claims

that depend, either directly or indirectly, on Claim 4 and include all of its limitations. As a result, these claims are patentable for the same reasons as Claim 4.

#### Claims 9-15

The Office Action describes Hillstrom as teaching a "sheet material, 52 [having] upper and lower wedge-shaped sheet tabs 82 placed in the rectangular upper and lower channels. The channels include upper and lower flanges 76. The lower frame adjusts to keep the sheet 52 taut." Applicant respectfully disagrees and again draws attention to the apparatus and method taught by Hillstrom.

Hillstrom does not teach the limitation of an upper frame..., an adjustable lower frame ... and a sheet material ...extending between [the frames and having sheet tabs inserted into the upper and lower frames] wherein the adjustable lower frame assembly can be adjusted to vary the tension in the sheet material between the upper frame and the adjustable lower frame assembly, as does Claim 9 of the present invention. Referring to Figures 2, 3 and 4 of Hillstrom, Hillstrom teaches a flexible sheet member 52 clamped along its edge 53 by interlocking tensioning mechanisms 80 and held tensioned over a frame by end hooks 76 of a flange 72 extending from a frame support 42, 42'. There is no mechanism to vary the tension in the sheet material 52. Nor, are the interlocking tensioning mechanisms 80 adjustable. Further, flexible sheet member 52 does not have support tabs.

*no mechanism claimed*

Applicant respectfully submits that, independent Claim 9 recites patentably distinct limitations not taught in the cited prior art. Claims 10-15 are dependent

claims that depend, either directly or indirectly, on Claim 9 and include all of its limitations. As a result, these claims are patentable for the same reasons as Claim 9.

### Summary

Applicant respectfully further submits that the applicant's arguments regarding Claims 1-4 and 9-15 overcome any previous rejection under 35 U.S.C. §102(b) and Claims 1-4 and 9-15 are in condition for allowance. The rejection of Claims 1-4 and 9-15 under 35 U.S.C. § 102(b) should be withdrawn.

### 2. Claim Rejections - 35 U.S.C. § 103

Claims 16-23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hillstrom.

#### Claims 16-23

MPEP § 2142 states that "[t]o establish a prima facie case of obviousness ...the prior art reference[s] must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art," citing *In re Vaeck*, 947, F.2d 488, 20 USPQ 1438 (Fed. Cir. 1991). The Office Action asserts that the particular steps of the method claims of the Application would have been obvious to a person having ordinary skill in the art, given the structure of Hillstrom. Applicant respectfully disagrees.

Hillstrom teaches securing the upper edge of the sheet to a series of interlocking clip mechanisms 80 and securing those mechanisms to a hooked ridge 76 of the upper frame 110. (Hillstrom, column 7 lines 25-31) Hillstrom teaches

securing the lower edge of the sheet to a series of interlocking clip mechanisms 80. Hillstrom further teaches use of temporary clamps to position the assembled series of interlocking clip mechanisms 80 to a hooked ridge 76 of the lower frame 110' such that the sheet is tensioned between the upper frame 110 and the lower frame 110'.

Claim 16 recites a limitation of "inserting an upper sheet tab ... into the upper frame; attaching a lower sheet tab ... to an adjustable lower frame assembly; and adjusting the adjustable lower frame assembly so that the sheet material is pulled taut between the upper frame and the adjustable lower frame assembly." Hillstrom fails to teach or suggest this limitation of installing the sheet tabs into each frame and then adjusting the tension. Hillstrom fails to teach or suggest this limitation of inserting an upper sheet tab into the upper frame.

#### Summary

Thus, the limitations taught by Claim 16 are patentably different limitations not taught or suggested by Hillstrom. Applicant respectfully submits that the cited reference fails to factually support a *prima facie* conclusion of obviousness as regards Claim 16. Applicant respectfully requests that the rejection of Claims 16 under § 103 be withdrawn.

Applicant respectfully further submits that the applicant's arguments regarding Claims 16-23 overcome any previous rejection under 35 U.S.C. §103 and Applicant respectfully requests that the rejection of Claims 16-23 under § 103 be withdrawn. Applicant respectfully further submits that Claims 16-23 are in condition for allowance.

### 3. Claims Objected To

Claims 5-8, 24, 25 have been objected to as indicated under the Disposition of Claims in the Office Action Summary.

#### Claims 5-8, 24, 25

The Office Action does not state a reason for the objections to these claims. Claims 5-8 depend from Claim 1 and Claim 1 has been rejected under 35 U.S.C. § 102(b). Since no other reason for objection to Claims 5-8 are given, Applicant concludes that Claims 5-8 have been objected to as being otherwise allowable but in a form depending from a rejected claim. To correct this objection, Claim 5 has been amended solely to place it in an independent claim form. Claim 5, as amended, is now patentable as an independent claim. Claims 6-8 are patentable as dependent claims that depend from a patentable independent claim, Claim 5.

Claims 24 and 25 depend, directly or indirectly, from Claim 23, which depends indirectly and in series from independent claim 16. Claim 16-23 have been rejected under 35 U.S.C. § 103. Since no other reason for objection to Claims 24 and 25 are given, Applicant concludes that Claims 24 and 25 have been objected to as being otherwise allowable but in a form depending from a rejected claim. Based on the arguments above, Applicant submits that Claims 16-23 overcome any previous rejection under 35 U.S.C. §103 and are patentable. Claims 24 and 25 are patentable as dependent claims that depend on a patentable independent claim, Claim 16, through a series of patentable dependent claims, Claim 17-23.

Applicant respectfully requests that the objections to Claims 24 and 25 be withdrawn. Applicant respectfully further submits that Claims 24 and 25 are in condition for allowance

#### 4. New Claims

Applicant has added Claims 26-29 as new claims by amendment.

##### Claims 26-29

The amendment adding new independent Claims 26 and the amendments adding new dependent Claims 27-29 have been made to more particularly claim the present invention and are expressly not made for the sake of patentability. No new material or issues are raised by these additional claims and it is expected that no new prior art search is necessary. Applicant request that these new claims be accepted and that consideration of the application based on the new claims and the arguments submitted below is respectfully requested.

Applicant respectfully submits that, new independent Claim 26 patentably distinct limitations not taught in the cited prior art. Claims 27-29 are dependent claims that depend, either directly or indirectly, on Claim 26 and include all of its limitations. As a result, these claims are patentable for the same reasons as Claim 26.

Applicant respectfully further submits that the amendments to Claims 26 – 29 are in condition for allowance.



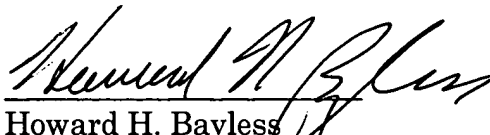
5. Prior Art Made Of Record But Not Relied Upon

Applicant has reviewed the above identified references made of record but not relied upon by the Office Action and asserts that these references do not teach or suggest the invention described in the claims as amended by this Response. Accordingly, Applicant submits that the amended claims are patentable over these references.

Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,



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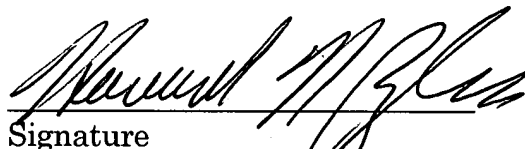
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I hereby certify that this Response and Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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on this 19<sup>th</sup> day of September, 2003.

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9/19/03  
Date